REMARKS

Claims 1, 2, 5-10, 13-17, 19, 21-28, 30-37 are all the claims pending in the application.

By this Amendment claims 3, 4, 11, 12, 18, 20 and 29 are canceled without prejudice or disclaimer. New claims 30-37 are added.

As a preliminary matter, claims 19 and 22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, and claims 13, 15-17, 19, 21, 22, 27 and 28 are rejected under 35 U.S.C. § 112, fourth paragraph, for failing to incorporate by reference all the limitations of the claims to which they refer.

Applicant submits that claims 19 and 22 comply with § 112, second paragraph, and claims 13, 15-17, 19, 21, 22, 27 and 28 comply with § 112, fourth paragraph.

Claims 1-5, 7, 9/5, 9/7, 10-16 and 18-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,598,011 (hereinafter "Koritzinsky") in view of U.S. Patent No. 6,349,373 B2 (hereinafter "Sitka") Claims 8 and 9/8 are objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form. Claim 6, 6/9 and 17 are allowable. Applicant submits the following in traversal.

Applicant submits that Koritzinsky is improper prior art. Koritzinsky is a nonanalogous art and cannot be properly used as a basis for a § 103 rejection. See M.P.E.P. 2141.01(a). In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. Id.

Koritzinsky relates to relates to:

> interactive servicing of [medical and imaging] systems, such as via remote service facilities, in which system configurations, image data and other files, protocols, service requests, reports and other useful information can be exchanged interactively between a remote service facility and the diagnostic system.

Abstract (emphasis added). Further, Koritzinsky further describes that:

> [m]edical diagnostic systems of the type described above are often called upon to produce reliable and understandable images within demanding schedules and over a considerable useful life. To ensure proper operation, the systems are serviced regularly by highly trained personnel who address imaging problems, configure and calibrate the systems, and perform periodic system checks and software updates. Moreover, service offerings have been supplemented in recent years by remote service centers capable of contacting scanners at subscribing institutions directly without the need for intervention on the part of the institution personnel. Such remote servicing is intended to maintain the diagnostic systems in good operational order without necessitating the attention of physicians or radiologists, and is often quite transparent to the institution.

Col. 1, lines 51-65. This is entirely different from the Applicant's endeavor.

Applicant's Field of the Invention states that:

> [t]he present invention relates to a medical image management system for managing medical image data. More specifically, the present invention relates to a medical image management system for managing medical image data owned by medical facilities but situated outside the medical facilities.

Therefore, Applicant submits that servicing to address imaging problems, configure and calibrate the systems, and perform periodic system checks and software updates, is not pertinent to managing medical image data sets. Thus, Applicant submits that Koritzinsky is not proper prior art.

Even assuming arguendo, that Koritzinsky is proper prior art, Applicant submits that claim 1 is patentable because Koritzinsky and Sitka do not teach or suggest, inter alia:

> an image data storage apparatus, which is connectable to the portable image data reception device, having a function of receiving the medical image data sets transmitted from the portable image data reception device and function of storing the image data sets, wherein
>
> each of the medical image data sets received by the image data storage apparatus includes accompanying information;
>
> the image data storage apparatus determines a storage expiration period of each of the medical image data sets stored therein, according to the accompanying information.

For example, Koritzinsky and Sitka do not teach or suggest the function of receiving the medical image data sets transmitted from the portable image data reception device, . . . , wherein each of the medical image data sets received by the image data storage apparatus includes accompanying information; the image data storage apparatus determines a storage expiration period of each of the medical image data sets stored therein, according to the accompanying information, as recited in claim 1. In other words, Koritzinsky and Sitka fail to teach or suggest a system teaching or suggesting the accompanying information, as recited in the claim.

Even if some teaching of Koritzinsky or Sitka is cited as allegedly corresponding to the claimed accompanying information, Koritzinsky and Sitka fails to teach or suggest a system wherein the image data storage apparatus determines a storage expiration period of each of the medical image data sets stored therein, according to the accompanying information.

Although Sitka discloses "predetermined period of time," Applicant submits that Sitka does not teach or suggest that this predetermined period of time is set according to some sort of an accompanying information.

For reasons similar to those submitted for claim 1, claims 5 and 14 are patentable.

All claims depending from claims 1, 5 and 14 are patentable for at least the reasons submitted for their respective base claims.

In addition, claim 25 is further patentable because Koritzinsky and Sitka fail to teach or suggest a method wherein the storage expiration date of each of the medical image data sets is determined by at least one of a type of the medical image data set and accompanying information of the medical image data set. In the Office Action, the Examiner contends that "Sitka further considers "at least one of a type" (claims 20, 25), since an image "type" is invariably involved in the Sitka storage choice." See page 8. Sitka, however, teaches that only the date and time of the most recent access is considered when selecting a storage location. Because all images are initially stored in the short term storage device in Sitka (col. 4, lines 31-40), Sitka neither discloses nor suggests a method wherein the storage expiration date of each of the medical image

data sets is determined by at least one of a type of the medical image data set and accompanying information of the medical image data set.

Claims 33-35 are additionally patentable because Koritzinsky and Sitka fail to teach or suggest the information about input modality, as recited in the claims. Although Sitka discloses that customer specific information may include a modality type (col. 3, lines 12-15), Sitka neither discloses nor suggests that the storage period is determined based on the modality type.

Claim 38 is additionally patentable because Koritzinsky and Sitka do not teach or suggest a system wherein each of the medical image data sets is a single image. In contrast, Sitka involves grouping images of individual patients, and determines the storage period for these groups.

With the above, Applicant submits that the invention of the present application is patentably distinct from both Koritzinsky and Sitka, and is not obvious. As shown by the Applicants, Koritzinsky is nonanalogous prior art and, thus, there is no motivation to refer to the teachings of Koritzinsky to render the claims of the present invention obvious. Further, Koritzinsky and Sitka neither disclose nor suggest determination of storage periods, as claimed.

Therefore, the claimed invention of the present application is not obvious to one skilled in the art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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